

## **2009 DRAFTING REQUEST**

### **Bill**

Received: **01/06/2009**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Rhodes**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Higher Education - miscellaneous**

Extra Copies:

Submit via email: **NO**

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### **Pre Topic:**

DOA:.....Rhodes, BB0332 -

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### **Topic:**

Wisconsin covenant eligibility modifications

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 01/09/2009	nnatzke 01/12/2009		_____			
/1			rschluet 01/12/2009	_____	lparisi 01/12/2009		
/2	gmalaise 01/19/2009	nnatzke 01/20/2009	mduchek 01/20/2009	_____	cduerst 01/20/2009		
/3	gmalaise 01/30/2009	nnatzke 01/30/2009	rschluet 01/31/2009	_____	cduerst 01/31/2009		

FE Sent For:

<END>

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/?	gmalaise 01/09/2009	nmatzke 01/12/2009		_____			
/1			rschluet 01/12/2009	_____	lparisi 01/12/2009		
/2	gmalaise 01/19/2009	nmatzke 01/20/2009 13 nwn 1/30	mduchek 01/20/2009	_____	cduerst 01/20/2009		

FE Sent For:

**<END>**

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/?	gmalaise 01/09/2009	nnatzke 01/12/2009		_____			
/1		1/2 nwn 1/20	rschluet 01/12/2009	_____	lparisi 01/12/2009		

FE Sent For:

<END>

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This file may be shown to any legislator: **NO**

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Subject: **Higher Education - miscellaneous**

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DOA:.....Rhodes, BB0332 -

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**Topic:**

Wisconsin covenant eligibility modifications

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**Instructions:**

See attached

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/?	gmalaise	1 7/10					

FE Sent For:

**<END>**

GMN

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Modifications to the Wisconsin Covenant Program
- Tracking Code: BB0332
- SBO team: Education, Children & Families
- SBO analyst: Dennis Rhodes
  - Phone: 266-2843
  - Email: Dennis.Rhodes@Wisconsin.gov
- Agency acronym: DOA/ HEAB
- Agency number: 505/ 235
- Priority (Low, Medium, High): Medium

Please change the agency responsible for promulgating rules to implement Wisconsin Covenant grants from HEAB to DOA. Also, please give DOA the authority to promulgate rules that impose additional eligibility criteria on students who wish to be considered eligible for Wisconsin Covenant grants.

## Malaise, Gordon

---

**From:** Rhodes, Dennis - DOA [dennis.rhodes@wisconsin.gov]  
**Sent:** Tuesday, January 06, 2009 10:47 AM  
**To:** Malaise, Gordon  
**Subject:** RE: Wisconsin Covenant Program

Gordon,

Let's put in language requiring consultation with HEAB.

Also, we also need language requiring that students be designated Covenant Scholars by the Office of the Wisconsin Covenant (or DOA if the Office is not already defined in statute) to be eligible for grants.

Thanks again,

Dennis  
6-2849

---

**From:** Malaise, Gordon [mailto:Gordon.Malaise@legis.wisconsin.gov]  
**Sent:** Monday, January 05, 2009 2:00 PM  
**To:** Rhodes, Dennis - DOA  
**Subject:** RE: Wisconsin Covenant Program

Dennis:

I guess it can work. I would hope that DOA would consult with HEAB to ensure that the rules are practicable. Should we seek the authority to insert a requirement that DOA consult with HEAB in its rule-making? Or does that go without saying?

Gordon

---

**From:** Rhodes, Dennis - DOA [mailto:dennis.rhodes@wisconsin.gov]  
**Sent:** Monday, January 05, 2009 1:03 PM  
**To:** Malaise, Gordon  
**Subject:** RE: Wisconsin Covenant Program

Gordon,

We think it's unusual too, but that's the direction that's emerged. The idea is HEAB will implement the rules promulgated by DOA. If that's not workable in your view please let me know.

Thanks,

Dennis

---

**From:** Malaise, Gordon [mailto:Gordon.Malaise@legis.wisconsin.gov]  
**Sent:** Monday, January 05, 2009 11:59 AM  
**To:** Rhodes, Dennis - DOA  
**Subject:** Wisconsin Covenant Program

Dennis:

I have received the budget drafting request requesting that the agency responsible for promulgating rules to implement Wisconsin covenant grants be changed from HEAB to DOA. My question is whether you want the entire program transferred to DOA or just the authority to promulgate rules, in which case DOA would promulgate the rules and HEAB would implement the rules promulgated by DOA. It seems a little unusual for one agency to promulgate the rules for a program administered by another agency. So that's why I'm asking for this clarification.

Gordon



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1337/2

GMM.../....

nwn

IN 119

DOA:.....Rhodes, BB0332 - Wisconsin covenant eligibility modifications  
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SA ✓  
X-ref ✓

don't  
gen.

1 AN ACT ...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*  
**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, HEAB awards various grants to resident students for higher education, including, beginning in the 2011-12 academic year, Wisconsin covenant scholar grants to resident students who are enrolled at least half time and registered as freshmen, sophomores, juniors, or seniors in public or private, nonprofit, accredited institutions of higher education or in tribally controlled colleges in this state. Current law requires HEAB to promulgate rules to implement that grant program. This bill requires a student to be designated as a Wisconsin covenant scholar by the Office of the Wisconsin Covenant Scholars Program in DOA in order to be eligible for a Wisconsin covenant scholar grant. This bill also requires DOA, rather than HEAB, to promulgate rules to implement the grant program and requires those rules to include rules establishing eligibility criteria for designation as a Wisconsin covenant scholar.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 39.437 (2) (a) of the statutes is renumbered 39.437 (2) (a) (intro.)  
3 and amended to read:



1 39.437 (2) (a) <sup>(intro.)</sup> Except as provided in par. (b), a student is eligible for a grant  
2 under this section if the student is meets all of the following criteria:

3 1. The student is a resident of this state and is enrolled at least half time and  
4 registered as a freshman, sophomore, junior, or senior in a public or private,  
5 nonprofit, accredited institution of higher education or in a tribally controlled college  
6 in this state.

7 History: 2007 a. 20.

8 **SECTION 2.** 39.437 (2) (a) 2. of the statutes is created to read:

9 39.437 (2) (a) 2. The student has been designated as a Wisconsin covenant  
10 scholar by the office of the Wisconsin Covenant Scholars Program in the department  
11 of administration.

12 **SECTION 3.** 39.437 (5) of the statutes is renumbered 39.437 (5) (intro.) and  
13 amended to read:

14 39.437 (5) RULES. <sup>(intro.)</sup> The ~~board~~ department of administration shall promulgate  
15 rules to implement this section, including rules all of the following:

16 (a) Rules establishing a reporting system to periodically provide student  
17 economic data ~~and any~~.

18 (c) Any other rules the ~~board~~ department of administration considers necessary  
19 to assure the uniform administration of this section.

20 History: 2007 a. 20.

21 **SECTION 4.** 39.437 (5) (b) of the statutes is created to read:

22 39.437 (5) (b) Rules establishing eligibility criteria for designation as a  
23 Wisconsin covenant scholar under sub. (2) (a) 2.

24 **SECTION 5.** 2007 Wisconsin Act 20, section 9122 (1) is repealed.

**SECTION 9101. Nonstatutory provisions; Administration.**

(1) WISCONSIN COVENANT SCHOLARS PROGRAM.

1 (a) *Rules*. The department of administration shall submit in proposed form the  
2 rules required under section 39.437 (5) of the statutes, as affected by this act, to the  
3 legislative council staff under section 227.15 (1) of the statutes no later than the first  
4 day of the 12th month beginning after the effective date of this paragraph.

5 (b) *Emergency rules*. Using the procedure under section 227.24 of the statutes,  
6 the department of administration may promulgate the rules required under section  
7 39.437 (5) of the statutes, as affected by this act, for the period before the effective  
8 date of the permanent rules submitted under paragraph (a), but not to exceed the  
9 period authorized under section 227.24 (1) (c) and (2) of the statutes.  
10 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
11 of administration is not required to provide evidence that promulgating a rule under  
12 this paragraph as an emergency rule is necessary for the preservation of the public  
13 peace, health, safety, or welfare and is not required to provide a finding of emergency  
14 for a rule promulgated under this paragraph.

15 **SECTION 9301. Initial applicability; Administration.**

16 (1) WISCONSIN COVENANT SCHOLARS PROGRAM. The renumbering and  
17 amendment of section 39.437 (2) (a) of the statutes and the creation of section 39.437  
18 (2) (a) 2. of the statutes first apply to students who enroll in a public or private,  
19 nonprofit, accredited, institution of higher education or in a tribally controlled  
20 college in this state in the 2011-12 academic year.

21 (END)

**Malaise, Gordon**

---

**From:** Rhodes, Dennis - DOA [dennis.rhodes@wisconsin.gov]  
**Sent:** Monday, January 19, 2009 4:07 PM  
**To:** Malaise, Gordon  
**Subject:** RE: LRB Draft: 09-1337/1 Wisconsin covenant eligibility modifications

Gordon,

A late breaking addition....we want DPI to be required to share student information with the Department of Administration that is necessary for the Office of the Wisconsin Covenant Scholars Program to effectively operate the Wisconsin Covenant Scholars Program.

(We're aware of DPI's institutional role and that there are varying interpretations of FERPA requirements at the state and national level; however we are not looking to engage those issues with this draft.)

Thanks,

Dennis

---

**From:** Schlueter, Ron [mailto:Ron.Schlueter@legis.wisconsin.gov]  
**Sent:** Monday, January 12, 2009 4:49 PM  
**To:** Rhodes, Dennis - DOA  
**Cc:** Hanle, Bob - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA  
**Subject:** LRB Draft: 09-1337/1 Wisconsin covenant eligibility modifications

*Following is the PDF version of draft 09-1337/1.*

**Malaise, Gordon**

---

**From:** Rhodes, Dennis - DOA [dennis.rhodes@wisconsin.gov]  
**Sent:** Monday, January 19, 2009 4:18 PM  
**To:** Malaise, Gordon  
**Cc:** Hanle, Bob - DOA  
**Subject:** FW: LRB Draft: 09-1337/1 Wisconsin covenant eligibility modifications

Gordon,

Got it...thanks for looking into this.

Dennis

---

**From:** Malaise, Gordon [mailto:Gordon.Malaise@legis.wisconsin.gov]  
**Sent:** Monday, January 19, 2009 4:16 PM  
**To:** Rhodes, Dennis - DOA  
**Subject:** RE: LRB Draft: 09-1337/1 Wisconsin covenant eligibility modifications

Dennis:

Under the Supremacy Clause, DPI is subject to FERPA regardless of anything we say in the draft, so I'll probably couch it by saying, "DPI shall share . . . to the extent permitted under 20 USC 1232g and 34 CFR part 99."

Gordon

---

**From:** Rhodes, Dennis - DOA [mailto:dennis.rhodes@wisconsin.gov]  
**Sent:** Monday, January 19, 2009 4:07 PM  
**To:** Malaise, Gordon  
**Subject:** RE: LRB Draft: 09-1337/1 Wisconsin covenant eligibility modifications

Gordon,

A late breaking addition....we want DPI to be required to share student information with the Department of Administration that is necessary for the Office of the Wisconsin Covenant Scholars Program to effectively operate the Wisconsin Covenant Scholars Program.

(We're aware of DPI's institutional role and that there are varying interpretations of FERPA requirements at the state and national level; however we are not looking to engage those issues with this draft.)

Thanks,

Dennis

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**Sent:** Monday, January 12, 2009 4:49 PM  
**To:** Rhodes, Dennis - DOA  
**Cc:** Hanle, Bob - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA  
**Subject:** LRB Draft: 09-1337/1 Wisconsin covenant eligibility modifications

*Following is the PDF version of draft 09-1337/1.*

01/19/2009



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1337/1

GMM:nwn:rs

↑  
stays

2  
nm

IR 10/19

DOA:.....Rhodes, BB0332 - Wisconsin covenant eligibility modifications  
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

NOFF In addition, the bill requires DOA to the extent permitted under the Federal Family, Educational Rights and Privacy Act, to provide pupil information to the office as necessary for the office to fulfill its role in the administration of the grant program.

1 don't gen. AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**EDUCATION**

(office)

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, HEAB awards various grants to resident students for higher education, including, beginning in the 2011-12 academic year, Wisconsin covenant scholar grants to resident students who are enrolled at least half time and registered as freshmen, sophomores, juniors, or seniors in public or private, nonprofit, accredited institutions of higher education or in tribally controlled colleges in this state. Current law requires HEAB to promulgate rules to implement that grant program. This bill requires a student to be designated as a Wisconsin covenant scholar by the Office of the Wisconsin Covenant Scholars Program in DOA in order to be eligible for a Wisconsin covenant scholar grant. This bill also requires DOA, rather than HEAB, to promulgate rules to implement the grant program and requires those rules to include rules establishing eligibility criteria for designation as a Wisconsin covenant scholar.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 2 **SECTION 1.** 39.437 (2) (a) of the statutes is renumbered 39.437 (2) (a) (intro.)  
3 and amended to read:

1           39.437 (2) (a) (intro.) Except as provided in par. (b), a student is eligible for a  
2 grant under this section if the student is meets all of the following criteria:

3           1. The student is a resident of this state and is enrolled at least half time and  
4 registered as a freshman, sophomore, junior, or senior in a public or private,  
5 nonprofit, accredited institution of higher education or in a tribally controlled college  
6 in this state.

7           **SECTION 2.** <sup>✓</sup>39.437 (2) (a) 2. of the statutes is created to read:

8           39.437 (2) (a) 2. The student has been designated as a Wisconsin covenant  
9 scholar by the office of the Wisconsin Covenant Scholars Program in the department  
10 of administration.

11           **SECTION 3.** <sup>✓</sup>39.437 (5) of the statutes is renumbered 39.437 (5) (intro.) and  
12 amended to read:

13           39.437 (5) RULES. (intro.) The ~~board~~ department of administration shall  
14 promulgate rules to implement this section, including rules all of the following:

15           (a) Rules establishing a reporting system to periodically provide student  
16 economic data ~~and any~~.

17           (c) Any other rules the ~~board~~ department of administration considers necessary  
18 to assure the uniform administration of this section.

19           **SECTION 4.** <sup>✓</sup>39.437 (5) (b) of the statutes is created to read:

20           39.437 (5) (b) Rules establishing eligibility criteria for designation as a  
21 Wisconsin covenant scholar under sub. (2) (a) 2.

22           **SECTION 5.** 2007 Wisconsin Act 20, section 9122 (1) is repealed.

23           **SECTION 9101. Nonstatutory provisions; Administration.**

24           (1) WISCONSIN COVENANT SCHOLARS PROGRAM.

1           (a) *Rules.* The department of administration shall submit in proposed form the  
2 rules required under section 39.437 (5) of the statutes, as affected by this act, to the  
3 legislative council staff under section 227.15 (1) of the statutes no later than the first  
4 day of the 12th month beginning after the effective date of this paragraph.

5           (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,  
6 the department of administration may promulgate the rules required under section  
7 39.437 (5) of the statutes, as affected by this act, for the period before the effective  
8 date of the permanent rules submitted under paragraph (a), but not to exceed the  
9 period authorized under section 227.24 (1) (c) and (2) of the statutes.  
10 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
11 of administration is not required to provide evidence that promulgating a rule under  
12 this paragraph as an emergency rule is necessary for the preservation of the public  
13 peace, health, safety, or welfare and is not required to provide a finding of emergency  
14 for a rule promulgated under this paragraph.

15           **SECTION 9301. Initial applicability; Administration.**

16           (1) WISCONSIN COVENANT SCHOLARS PROGRAM. The renumbering and  
17 amendment of section 39.437 (2) (a) of the statutes and the creation of section 39.437  
18 (2) (a) 2. of the statutes first apply to students who enroll in a public or private,  
19 nonprofit, accredited, institution of higher education or in a tribally controlled  
20 college in this state in the 2011-12 academic year.

21           **(END)**

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Inset 2-10

SEC CR, 390 437 (4) (c)

390 437 (B) (4) (c) To the extent permitted under  
1232g  
20 USC 1232g and 34 CFR (part) 99, the  
department of public instruction shall provide pupil  
information to the office of the Wisconsin Covenant  
Scholars Program in the department of  
administration as necessary for that office to  
fulfill its role in the administration of the grant  
program under this section.

QADA



**Malaise, Gordon**

---

**From:** Rhodes, Dennis - DOA [dennis.rhodes@wisconsin.gov]  
**Sent:** Friday, January 30, 2009 9:30 AM  
**To:** Malaise, Gordon  
**Subject:** RE: LRB Draft: 09-1337/2 Wisconsin covenant eligibility modifications

Gordon,

Can you make these modifications?

39.437(4) Administration of Grant Program.

39.437(4)(a) By February 1 of each year, the Board of Regents of the University of Wisconsin System shall provide to the ~~board~~ department of administration information relating to the resident undergraduate academic fees charged to attend each of the institutions within that system for the current academic year, the Technical College System Board shall provide to the ~~board~~ department of administration information relating to the fees under s. 38.24 (1m) (a) to (c) charged to attend each of the technical colleges within that system for the current academic year, and each tribally controlled college in this state shall provide to the ~~board~~ department of administration information relating to the tuition and fees charged to attend the tribal college for the current academic year.

39.437(4)(b) By April 1 of each year, the ~~board~~ department of administration shall determine the average of the resident undergraduate academic fees charged for the current academic year among the institutions within the University of Wisconsin System, the average of the fees under s. 38.24 (1m) (a) to (c) charged for the current academic year among the technical colleges in this state, ~~and~~ the average of the tuition and fees charged for the current academic year among the tribally controlled colleges in this state, and the average tuition and fees charged for the current academic year among the private, non-profit colleges of this state.

---

**From:** Duchek, Michael [mailto:Michael.Duchek@legis.wisconsin.gov]  
**Sent:** Tuesday, January 20, 2009 1:36 PM  
**To:** Rhodes, Dennis - DOA  
**Cc:** Hanle, Bob - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA  
**Subject:** LRB Draft: 09-1337/2 Wisconsin covenant eligibility modifications

Following is the PDF version of draft 09-1337/2.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1337/2

GMM:nwn:md

IN 11/30

DN 1/2

3  
DN2

DOA:.....Rhodes, BB0332 - Wisconsin covenant eligibility modifications  
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1

<sup>don't gen.</sup>  
AN ACT ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*  
**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, HEAB awards various grants to resident students for higher education, including, beginning in the 2011-12 academic year, Wisconsin covenant scholar grants to resident students who are enrolled at least half time and registered as freshmen, sophomores, juniors, or seniors in public or private, nonprofit, accredited institutions of higher education or in tribally controlled colleges in this state. Current law requires HEAB to promulgate rules to implement that grant program. This bill requires a student to be designated as a Wisconsin covenant scholar by the Office of the Wisconsin Covenant Scholars Program in DOA (office) in order to be eligible for a Wisconsin covenant scholar grant. This bill also requires DOA, rather than HEAB, to promulgate rules to implement the grant program and requires those rules to include rules establishing eligibility criteria for designation as a Wisconsin covenant scholar. In addition, the bill requires DPI, to the extent permitted under the federal Family Educational Rights and Privacy Act, to provide pupil information to the office as necessary for the office to fulfill its role in the administration of the grant program.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 39.437 (2) (a) of the statutes is renumbered 39.437 (2) (a) (intro.)

2           and amended to read:

3           39.437 (2) (a) (intro.) Except as provided in par. (b), a student is eligible for a  
4           grant under this section if the student is meets all of the following criteria:

5           1. The student is a resident of this state and is enrolled at least half time and  
6           registered as a freshman, sophomore, junior, or senior in a public or private,  
7           nonprofit, accredited institution of higher education or in a tribally controlled college  
8           in this state.

9           **SECTION 2.** 39.437 (2) (a) 2. of the statutes is created to read:

10          39.437 (2) (a) 2. The student has been designated as a Wisconsin covenant  
11          scholar by the office of the Wisconsin Covenant Scholars Program in the department  
12          of administration.

13          **SECTION 3.** 39.437 (4) (c) of the statutes is created to read:

14          39.437 (4) (c) To the extent permitted under 20 USC 1232g and 34 CFR part  
15          99, the department of public instruction shall provide pupil information to the office  
16          of the Wisconsin Covenant Scholars Program in the department of administration  
17          as necessary for that office to fulfill its role in the administration of the grant  
18          program under this section.

19          **SECTION 4.** 39.437 (5) of the statutes is renumbered 39.437 (5) (intro.) and  
20          amended to read:

21          39.437 (5) **RULES.** (intro.) The ~~board~~ department of administration shall  
22          promulgate rules to implement this section, including rules all of the following:

23          (a) Rules establishing a reporting system to periodically provide student  
24          economic data ~~and any~~.

1       (c) Any other rules the ~~board~~ department of administration considers necessary  
2       to assure the uniform administration of this section.

3       **SECTION 5.** 39.437 (5) (b) of the statutes is created to read:

4       39.437 (5) (b) Rules establishing eligibility criteria for designation as a  
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6       **SECTION 6.** 2007 Wisconsin Act 20, section 9122 (1) is repealed.

7       **SECTION 9101. Nonstatutory provisions; Administration.**

8       (1) WISCONSIN COVENANT SCHOLARS PROGRAM.

9       (a) *Rules.* The department of administration shall submit in proposed form the  
10       rules required under section 39.437 (5) of the statutes, as affected by this act, to the  
11       legislative council staff under section 227.15 (1) of the statutes no later than the first  
12       day of the 12th month beginning after the effective date of this paragraph.

13       (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,  
14       the department of administration may promulgate the rules required under section  
15       39.437 (5) of the statutes, as affected by this act, for the period before the effective  
16       date of the permanent rules submitted under paragraph (a), but not to exceed the  
17       period authorized under section 227.24 (1) (c) and (2) of the statutes.  
18       Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
19       of administration is not required to provide evidence that promulgating a rule under  
20       this paragraph as an emergency rule is necessary for the preservation of the public  
21       peace, health, safety, or welfare and is not required to provide a finding of emergency  
22       for a rule promulgated under this paragraph.

23       **SECTION 9301. Initial applicability; Administration.**

24       (1) WISCONSIN COVENANT SCHOLARS PROGRAM. The renumbering and  
25       amendment of section 39.437 (2) (a) of the statutes and the creation of section 39.437

1 (2) (a) 2. of the statutes first apply to students who enroll in a public or private,  
2 nonprofit, accredited, institution of higher education or in a tribally controlled  
3 college in this state in the 2011-12 academic year.

4 (END)

Insert 2-1

Section #. 39.437 (1) of the statutes is amended to read:

39.437 (1) ESTABLISHMENT OF GRANT PROGRAM. There is established, to be administered by the board, a Wisconsin Covenant Scholars Program to provide grants to students who meet the eligibility criteria specified in sub. (2).

History: 2007 a. 20.

with the assistance of the office of the  
Wisconsin Covenant Scholars Program  
in the department of administration  
as provided in ~~sub. (2)~~ (2) (a) 2. <sup>✓</sup> 1 (4) <sup>✓</sup>;  
and (5) <sup>✓</sup>;

(ed & insert)

Insert 2-12

Section #. 39.437 (4) (a) of the statutes is amended to read:

Office of the Wisconsin Covenant Scholars Program in the Department  
of Administration

39.437 (4) (a) By February 1 of each year, the Board of Regents of the University of Wisconsin System shall provide to the ~~board~~ <sup>that office</sup> information relating to the resident undergraduate academic fees charged to attend each of the institutions within that system for the current academic year, the technical college system board shall provide to the ~~board~~ <sup>that office</sup> information relating to the fees under s. 38.24 (1m) (a) to (c) charged to attend each of the technical colleges within that system for the current academic year, ~~and~~ <sup>↓</sup> each tribally controlled college in this state shall provide to the ~~board~~ <sup>that office</sup> information relating to the tuition and fees charged to attend the tribal college for the current academic year.

History: 2007 a. 20.

And the Wisconsin Association of Independent  
Colleges and Universities or a successor organization  
shall provide to that office information relating to  
tuition and fees ~~charged~~ <sup>charged</sup> to attend each of the  
private <sup>accredited</sup> ~~nonprofit~~ institutions of higher education  
~~represented by that association~~ for the current  
→ in this state  
academic year

B n c t 2-12)

Section #. 39.437 (4) (b) of the statutes is amended to read:

office of the Wisconsin Governor Scholars Program in the  
department of administration

39.437 (4) (b) By April 1 of each year, the ~~board~~ shall determine the average of the resident undergraduate academic fees charged for the current academic year among the institutions within the University of Wisconsin System, the average of the fees under s. 38.24 (1m) (a) to (c) charged for the current academic year among the technical colleges in this state, ~~and~~ the average of the tuition and fees charged for the current academic year among the tribally controlled colleges in this state.

History: 2007 a. 20.

And the average of the tuition and fees charged for the  
current academic year among the private <sup>accredited</sup> nonprofit  
institutions of higher education in this state ✓

(C. 2012-12)



STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

~~DRAFT~~ DRAFT

Date

- 1337/3dn

GMM:mn:

Dennis:

In your drafting instructions you require the office to  
determine the average <sup>of the</sup> tuition and fees charged by private colleges  
fail to indicate  
but fail to indicate how the office is going to obtain the  
determination  
information needed to make that determination. Accordingly

This draft requires the Wisconsin Association of Independent

Colleges and Universities (WAIU) to provide that information  
38.50 (11). ✓

See 5050.50 38050 (11) ✓

GMM

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1337/3dn  
GMM:nwn:rs

January 31, 2009

Dennis:

In your drafting instructions you require the office to determine the average of the tuition and fees charged by private colleges, but fail to indicate how the office is going to obtain the information needed to make that determination. Accordingly, this draft requires the Wisconsin Association of Independent Colleges and Universities (WAICU) to provide that information. See, e.g. s. 38.50 (11).

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State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1337/3  
GMM:nwn:rs

DOA:.....Rhodes, BB0332 - Wisconsin covenant eligibility modifications  
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*  
**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, HEAB awards various grants to resident students for higher education, including, beginning in the 2011-12 academic year, Wisconsin covenant scholar grants to resident students who are enrolled at least half time and registered as freshmen, sophomores, juniors, or seniors in public or private, nonprofit, accredited institutions of higher education or in tribally controlled colleges in this state. Current law requires HEAB to promulgate rules to implement that grant program. This bill requires a student to be designated as a Wisconsin covenant scholar by the Office of the Wisconsin Covenant Scholars Program in DOA (office) in order to be eligible for a Wisconsin covenant scholar grant. This bill also requires DOA, rather than HEAB, to promulgate rules to implement the grant program and requires those rules to include rules establishing eligibility criteria for designation as a Wisconsin covenant scholar. In addition, the bill requires DPI, to the extent permitted under the federal Family Educational Rights and Privacy Act, to provide pupil information to the office as necessary for the office to fulfill its role in the administration of the grant program.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 39.437 (1) of the statutes is amended to read:

2           39.437 (1) ESTABLISHMENT OF GRANT PROGRAM. There is established, to be  
3 administered by the board, with the assistance of the office of the Wisconsin  
4 Covenant Scholars Program in the department of administration as provided in  
5 subs. (2) (a) 2., (4), and (5), a Wisconsin Covenant Scholars Program to provide grants  
6 to students who meet the eligibility criteria specified in sub. (2).

7           **SECTION 2.** 39.437 (2) (a) of the statutes is renumbered 39.437 (2) (a) (intro.)  
8 and amended to read:

9           39.437 (2) (a) (intro.) Except as provided in par. (b), a student is eligible for a  
10 grant under this section if the student is meets all of the following criteria:

11           1. The student is a resident of this state and is enrolled at least half time and  
12 registered as a freshman, sophomore, junior, or senior in a public or private,  
13 nonprofit, accredited institution of higher education or in a tribally controlled college  
14 in this state.

15           **SECTION 3.** 39.437 (2) (a) 2. of the statutes is created to read:

16           39.437 (2) (a) 2. The student has been designated as a Wisconsin covenant  
17 scholar by the office of the Wisconsin Covenant Scholars Program in the department  
18 of administration.

19           **SECTION 4.** 39.437 (4) (a) of the statutes is amended to read:

20           39.437 (4) (a) By February 1 of each year, the Board of Regents of the University  
21 of Wisconsin System shall provide to the ~~board~~ office of the Wisconsin Covenant  
22 Scholars Program in the department of administration information relating to the  
23 resident undergraduate academic fees charged to attend each of the institutions  
24 within that system for the current academic year, the technical college system board  
25 shall provide to ~~the board~~ that office information relating to the fees under s. 38.24

1 (1m) (a) to (c) charged to attend each of the technical colleges within that system for  
2 the current academic year, and each tribally controlled college in this state shall  
3 provide to the board that office information relating to the tuition and fees charged  
4 to attend the tribal college for the current academic year, and the Wisconsin  
5 Association of Independent Colleges and Universities or a successor organization  
6 shall provide to that office information relating to tuition and fees charged to attend  
7 each of the private, nonprofit, accredited institutions of higher education in this state  
8 for the current academic year.

9 **SECTION 5.** 39.437 (4) (b) of the statutes is amended to read:

10 39.437 (4) (b) By April 1 of each year, the board office of the Wisconsin Covenant  
11 Scholars Program in the department of administration shall determine the average  
12 of the resident undergraduate academic fees charged for the current academic year  
13 among the institutions within the University of Wisconsin System, the average of the  
14 fees under s. 38.24 (1m) (a) to (c) charged for the current academic year among the  
15 technical colleges in this state, and the average of the tuition and fees charged for  
16 the current academic year among the tribally controlled colleges in this state, and  
17 the average of the tuition and fees charged for the current academic year among the  
18 private, nonprofit, accredited institutions of higher education in this state.

19 **SECTION 6.** 39.437 (4) (c) of the statutes is created to read:

20 39.437 (4) (c) To the extent permitted under 20 USC 1232g and 34 CFR part  
21 99, the department of public instruction shall provide pupil information to the office  
22 of the Wisconsin Covenant Scholars Program in the department of administration  
23 as necessary for that office to fulfill its role in the administration of the grant  
24 program under this section.

1           **SECTION 7.** 39.437 (5) of the statutes is renumbered 39.437 (5) (intro.) and  
2 amended to read:

3           39.437 (5) RULES. (intro.) The ~~board~~ department of administration shall  
4 promulgate rules to implement this section, including rules all of the following:

5           (a) Rules establishing a reporting system to periodically provide student  
6 economic data ~~and any~~.

7           (c) Any other rules the board department of administration considers necessary  
8 to assure the uniform administration of this section.

9           **SECTION 8.** 39.437 (5) (b) of the statutes is created to read:

10           39.437 (5) (b) Rules establishing eligibility criteria for designation as a  
11 Wisconsin covenant scholar under sub. (2) (a) 2.

12           **SECTION 9.** 2007 Wisconsin Act 20, section 9122 (1) is repealed.

13           **SECTION 9101. Nonstatutory provisions; Administration.**

14           (1) WISCONSIN COVENANT SCHOLARS PROGRAM.

15           (a) *Rules.* The department of administration shall submit in proposed form the  
16 rules required under section 39.437 (5) of the statutes, as affected by this act, to the  
17 legislative council staff under section 227.15 (1) of the statutes no later than the first  
18 day of the 12th month beginning after the effective date of this paragraph.

19           (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,  
20 the department of administration may promulgate the rules required under section  
21 39.437 (5) of the statutes, as affected by this act, for the period before the effective  
22 date of the permanent rules submitted under paragraph (a), but not to exceed the  
23 period authorized under section 227.24 (1) (c) and (2) of the statutes.  
24 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
25 of administration is not required to provide evidence that promulgating a rule under

1 this paragraph as an emergency rule is necessary for the preservation of the public  
2 peace, health, safety, or welfare and is not required to provide a finding of emergency  
3 for a rule promulgated under this paragraph.

4 **SECTION 9301. Initial applicability; Administration.**

5 (1) WISCONSIN COVENANT SCHOLARS PROGRAM. The renumbering and  
6 amendment of section 39.437 (2) (a) of the statutes and the creation of section 39.437  
7 (2) (a) 2. of the statutes first apply to students who enroll in a public or private,  
8 nonprofit, accredited, institution of higher education or in a tribally controlled  
9 college in this state in the 2011-12 academic year.

10 (END)